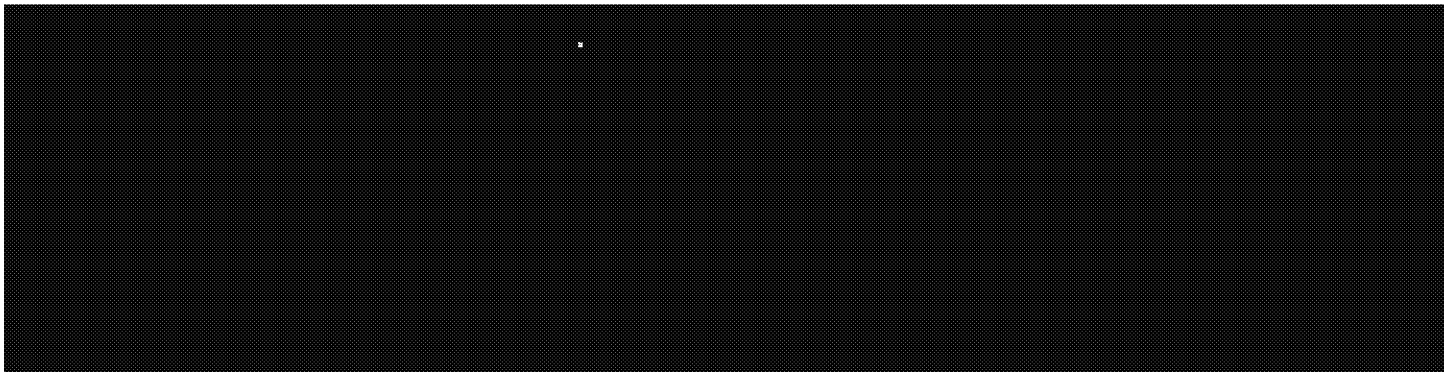


Message

From: Rodrigues, Cecil [rodrigues.cecil@epa.gov]
Sent: 1/19/2021 3:53:10 PM
To: Fernandez, Cristina [Fernandez.Cristina@epa.gov]; R3 RC_MGRs [R3_RC_MGRs@epa.gov]; Febbo, Carol [febbo.carol@epa.gov]; Nitsch, Chad [Nitsch.Chad@epa.gov]; Esher, Diana [Esher.Diana@epa.gov]; Leonard, Paul [leonard.paul@epa.gov]; R3 Front Office [R3_Front_Office@epa.gov]
Subject: FW: Breaking: EPA's Industry-Friendly Climate Rule Struck Down by Court

From: Bloomberg Law <bloomberg@bna.com>
Sent: Tuesday, January 19, 2021 10:21 AM
To: Rodrigues, Cecil <rodrigues.cecil@epa.gov>
Subject: Breaking: EPA's Industry-Friendly Climate Rule Struck Down by Court



Environment & Energy Report

Tuesday, January 19, 2021

EPA's Industry-Friendly Climate Rule Struck Down by Court

The EPA's industry-friendly climate rule for power plants violates federal law, the D.C. Circuit ruled Tuesday in a searing defeat for the Trump administration's deregulatory agenda.

The U.S. Court of Appeals for the District of Columbia Circuit vacated the Affordable Clean Energy rule and remanded it to the Environmental Protection Agency, giving the

incoming Biden administration a clean slate for regulating emissions from the power sector.

The decision undercuts Trump officials' bid to leave a legacy of deregulation, tossing one of the administration's highest-profile replacements of aggressive Obama-era environmental rules.

The EPA, under former President Barack Obama, crafted the far-reaching Clean Power Plan to reduce greenhouse gas emissions across the power sector. The plan never took effect; the Supreme Court froze its implementation, and the EPA quickly dismantled and replaced the rule after President Donald Trump took office.

Eight Hours of Arguments

The ruling comes after the D.C. Circuit in October heard more than eight hours of oral arguments over the Trump administration's rollback and replacement rule.

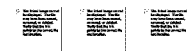
Dozens of environmental groups, clean energy companies, and a coalition of left-leaning states argued that the repeal of the Clean Power Plan and the replacement rule were unlawful. Other energy companies and right-leaning states backed the Trump administration in court.

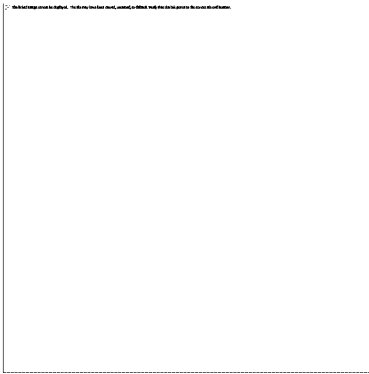
The three-judge panel, which included two Obama appointees and one Trump appointee, worked through a series of major legal questions, including whether the Clean Air Act requires a narrow, site-specific approach to emissions reductions from power plants—or allows the EPA to take a holistic, sector-wide approach.

The incoming Biden administration has pledged to act aggressively on climate change, and is poised to craft a new EPA rule for power plant emissions. Environmental lawyers expect new agency leaders to opt for a broad, Clean Power Plan-style approach, but have cautioned that any ambitious regulation will likely invite a skeptical eye from the U.S. Supreme Court's new 6-to-3 conservative majority.

The case is *Am. Lung Ass'n v. EPA*, D.C. Cir., No. 19-1140.

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